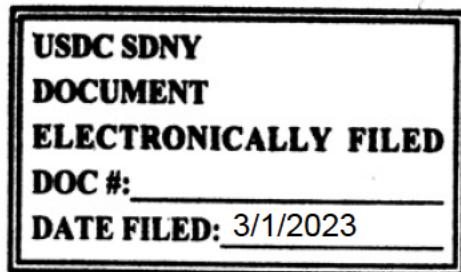




101 CALIFORNIA STREET SUITE 3800 SAN FRANCISCO, CA 94111
T 415.653.3750 F 415.653.3755 www.Venable.com

February 28, 2023



Thomas E. Wallerstein

T 415.653.3707
F 415.653.3755
TWallerstein@Venable.com

VIA ECF

The Honorable Robert W. Lehrburger
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale, No. 1:21-cv-3687 (ALC)*
Request to Seal Documents

Dear Judge Lehrburger:

We represent Hedgeye Risk Management, LLC (“Hedgeye”) in the above captioned matter. We write to request that the following documents be filed under seal:

- Hedgeye’s Letter Motion For An Order Compelling The Production Of Responsive Communications Dated February 28, 2023
- Exhibit A to The Aforementioned Letter Motion to Compel Dated February 28, 2023

Pursuant to the Stipulated Confidentiality Agreement and Protective Order between the Parties (Dkt. 45), all Confidential Discovery Material must be filed with the Court under seal. Portions of Hedgeye’s Letter Motion and Exhibit A contain deposition testimony elicited from Defendant Nadine Terman on December 1, 2022. Until the Parties can resolve exactly which portions are Confidential, Hedgeye is filing the relevant portions of the Nadine Terman December 1, 2022 transcript as Exhibit A to the letter motion under seal, along with the letter motion that references that testimony.

Thank you for your consideration.

Respectfully submitted,

Thomas E. Wallerstein

Request to seal denied. There is nothing in the deposition excerpt that meets the standards for sealing. The Clerk of Court is respectfully requested to modify the viewing level for Dkts. 473 and 473-1 to the public viewing level.

SO ORDERED:

3/1/2023